

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-cv-791-wmc

PATRICIA ZVOLANEK,

Defendant.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above-captioned matter having come before the Court to be heard, Honorable William M. Conley, United States District Judge for the Western District of Wisconsin, presiding without a jury, the Plaintiff, United States of America, having appeared by its attorney, the Office of the United States Attorney for the Western District of Wisconsin, and no appearance having been made on behalf of the Defendant herein, except as may be noted on the record; the Clerk of the United States District Court for the Western District of Wisconsin having duly entered the default of Defendant Patricia Zvolanek; and the United States having filed a Motion for Default Judgment, with accompanying Declarations; and it further appearing that due notice of motion for judgment has been made to the Defendant; and the Court having heard the matter, therefore makes and files the following findings of fact and conclusions of law constituting its decision in this action.

FINDINGS OF FACT

1. The allegations set forth in the United States' complaint are accepted as true.
2. There is now due and unpaid on all Notes and Mortgages held by the United States as of May 12, 2022, the following sums:

Notes and Mortgages

Principal	\$104,212.15
Interest	\$ 76,169.23
Costs (MIP)	<u>\$ 21,336.43</u>
Total	<u>\$201,717.81</u>

Costs and Disbursements

Filing of Notice of Lis Pendens	\$ 35.00
Title Search	<u>\$ 350.00</u>
Total Costs & Disbursements	<u>\$ 385.00</u>

TOTAL AS OF MAY 12, 2022 **\$202,102.81**

3. The United States has incurred costs of \$35.00 for the recording of the Lis Pendens, and \$350.00 for a title search.
4. No proceedings have been had at law or otherwise for the recovery of the sum secured by said Notes and Mortgages.
5. The mortgage premises are described as follows:

All that parcel of land in City of Janesville, Rock County, State of Wisconsin, as more fully described in Deed Document Number 1723645, ID Number 241-0229100173, being known and designated as:

Lot 3, Block 16, Second Claremont Park Addition, City of Janesville, Rock County, Wisconsin.

By Fee Simple Deed from Patricia Zvolanek, a single person as set forth in Document Number 1723645, dated August 5, 2005, and recorded September 22, 2005, Rock County Records, State of Wisconsin.

For Informational Purposes Only:

Tax ID Number: 241-0229100173

Property Address: 2711 Hyacinth Avenue, Janesville, WI

6. The subject premises are abandoned, as that term is defined in Wis. Stat. § 846.102(1).

7. The real estate is so situated that it cannot be sold in parcels without injury to the interest of the parties, and a sale of the whole will be more beneficial to the parties hereto.

8. Notice of the pendency of this action was duly given on February 4, 2022, after the filing of the Complaint herein, by filing a Notice of Lis Pendens in the office of the Register of Deeds for Rock County, Wisconsin. This was done in the manner and form required by law, after the filing of the complaint herein, and more than twenty (20) days prior to the trial or other resolution of this action.

9. The Defendant has not served an Answer or other response and the Clerk of Court has duly entered the default of said Defendant.

CONCLUSIONS OF LAW

10. The United States is entitled to judgment of foreclosure and sale of the interest in the mortgaged premises in the usual form, as requested in United States' Complaint, and in accordance with the above Findings of Fact.

11. The United States is entitled to recover from the Defendant the sum of \$202,102.81 as of May 12, 2022, plus interest at a per diem rate of \$30.73 to the date of entry of judgment.

12. The Defendants and all persons claiming under them subsequent to the filing of the notice of the pendency of this action be and hereby are forever barred and foreclosed of all right, title, interest, claim and equity of redemption in the mortgaged premises.

13. The mortgaged premises shall be sold as a whole.

14. That if necessary to secure possession of the premises, the Clerk of Court, upon application by the United States, shall issue a Writ of Assistance.

15. Sale of the premises shall be conducted by or under the direction of the United States Marshal for the Western District of Wisconsin, five weeks or more after the entry of judgment, pursuant to Wis. Stat. § 846.102(3)(a)1. Notice of the sale shall be made by publication in The Gazette, the newspaper published in the City of Janesville, Rock County, Wisconsin.

16. Proceeds from the sale of the subject premises shall be paid first to satisfy Defendant's debt owed to the United States \$202,102.81, together with interest at a per

diem rate of \$30.73 from May 13, 2022, to the date of entry of judgment, plus necessary costs and disbursements.

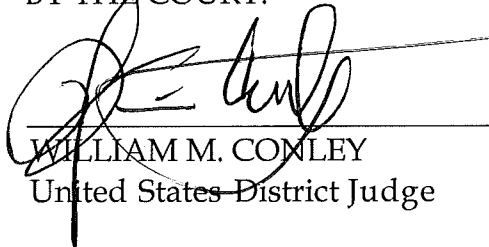
17. Deficiency judgment is not being sought in this action.

Now, on application of Plaintiff United States of America,

IT IS THEREFORE ORDERED that foreclosure of said mortgage in the usual form as provided by and in accordance with the above Findings of Fact and Conclusions of Law be entered in this action.

Dated this 15th day of June, 2022.

BY THE COURT:



WILLIAM M. CONLEY
United States District Judge